

Notice of Allowability

Application No.

09/682,236

Examiner

Edwin C. Holloway, III

Applicant(s)

PINCUS, DAVID

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the 10-14-2004 rce with amendment.
2. ☒ The allowed claim(s) is/are 1,2 and 5-30.
3. ☒ The drawings filed on 08-08-2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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Examiner's Response

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10-14-1004 has been entered.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

The claims are allowable because the examiner agrees with applicant's arguments that the Wood reference lacks "a programmable interface...operable...to be programmed to process the sensing device data at a desired interval to maintain a running total of a desired parameter." The receipt of a valid RF input in Wood, not the self-timer, determines when the remote intelligent communication device 14 is operable to process any data from the navigation receiver 88 or any additional device.

It is agreed that neither the Wood reference nor the O'Toole reference discloses processing data from the navigation receiver 88, or any other device, at a desired interval to maintain a

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running total of a desired parameter. The Wood reference does not disclose that the arithmetic logic units are used for accumulation." It is not inherent that a running total of a desired parameter is maintained simply because of the presence of an arithmetic logic unit. Thus, the Wood reference does not disclose a programmable interface...operable...to be programmed to process the sensing device data at a desired interval to maintain a running total of a desired parameter," as recited in amended independent claim 1. Similarly, the Wood reference fails to disclose "operating the programming station to configure the programming of the programmable interface to provide a cumulative total of a selected device parameter to the transmitter," as recited in claim 27.

It is agreed that another recited feature of claim 1 that is not disclosed by the Wood reference is: "a programmable interface...operable...to provide the running total of the desired parameter and the desired interval to the transmitter for transmission." Neither reference discloses providing the running total of the desired parameter and the desired interval to a transmitter for transmission. As discussed above, the Wood reference does not disclose maintaining a running total of a desired parameter. However, even if the Wood reference discloses processing sensing device data at a desired interval, the Wood

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reference does not disclose that the remote intelligent communication device 14 provides the desired interval to the transmitter 66 for transmission. Thus, the Wood reference does not disclose: "a programmable interface...operable...to provide the running total of the desired parameter and the desired interval to the transmitter for transmission."

It is agreed that one of the recited features of amended independent claim 12 that is not disclosed by the Wood reference is "a processor, wherein the processor is operable to receive device data from a device and to process the sensing device data at a desired interval according to programming instructions stored in the interface." As noted above, the remote intelligent communication device 14 of Wood does not process device data at a desired interval, much less process device data according to programming instructions stored in the remote intelligent communication device 14. In addition, the Wood reference does not disclose providing a user-configured stream of device data, "wherein the user-configured stream of device data comprises a first portion of data representative of the device data processed by the interface and a second portion of data representative of the desired interval," as recited in claim 12. As discussed above, the Wood reference simply does not disclose that the remote intelligent communication device 14

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provides any data to the transmitter 66 that may be construed as data representative of the desired interval."

It is agreed that Examples of recited features of claim 24 that are not disclosed by the Wood reference are: "identifying a communication protocol utilized by the sensing device among a plurality of communication protocols operable to be programmed into the programmable interface" and "operating the programming station to configure the programming of the programmable interface to receive the device data from the sensing device using the communication protocol utilized by the sensing device." As noted above, the Wood reference discloses a remote intelligent communication device 14 that has first and second digital interfacing ports 841 and 842 for communication with a navigation receiver 88 (such as a GPS receiver 88) and an additional device (such as a continuity tester for monitoring a door of a delivery truck 94). See Wood, col. 9, lines 11-24. In addition, the Wood reference discloses analog ports 861 and 862 for receiving analog signals from an analog device (such as an accelerometer 90). However, the Wood reference does not disclose that the communication protocols used by the GPS receiver 88, the additional device 94, or the accelerometer 90 may vary or that the remote intelligent communication device 14 or the communication protocols for these devices are identified from

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among a plurality of communication protocols operable to be programmed into the remote intelligent communication device 14, or that the remote intelligent communication device 14 may even be programmed to communicate with a plurality of different communication protocols. Just because different devices communicate with the remote intelligent communication device 14 that does not mean that the different devices use different communication protocols. Thus, the Wood reference does not disclose "identifying a communication protocol utilized by the sensing device among a plurality of communication protocols operable to be programmed into the programmable interface" and "operating the programming station to configure the programming of the programmable interface to receive the device data from the sensing device using the communication protocol utilized by the sensing device."

It is agreed that Claim 27 is patentable over the cited references because the cited references, either alone or in combination, do not disclose or suggest all of the recited features of the claim. As noted above, the Wood reference does not disclose "operating the programming station to configure the programming of the programmable interface to provide a cumulative total of a selected device parameter to the transmitter" and "coupling the programmable interface between

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the medical asset and the transmitter," as recited in amended independent claim 27. The Vollmann reference does disclose a multi-programmable cardiac pacer. However, Vollmann does not disclose an interface between a medical asset and a transmitter. Instead, the multi-programmable cardiac pacer is, in effect, "the medical asset." Thus, even if the multi-programmable cardiac pacer is programmed to provide a "cumulative total of a selected device parameter," it is not suggestive of "operating the programming station to configure the programming of the programmable interface to provide a cumulative total of a selected device parameter to the transmitter" and "coupling the programmable interface between the medical asset and the transmitter," as recited in amended independent claim 27.

Kail, IV (US 5959529) discloses a reprogrammable remote sensor monitoring system with programmable interface parameters such as time window (col. 2 line 66) or period of time (col. 6 line 61) but does not specify "a programmable interface...operable...to provide the running total of the desired parameter and the desired interval to the transmitter for transmission." and "operating the programming station to configure the programming of the programmable interface to receive the device data from the sensing device using the communication protocol utilized by the sensing device."

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Sorrells (US 6720866) discloses an RFID tag with sensor interface, but does not specify "a programmable interface...operable...to provide the running total of the desired parameter and the desired interval to the transmitter for transmission." and does not specify "identifying a communication protocol utilized by the sensing device among a plurality of communication protocols operable to be programmed into the programmable interface" and "operating the programming station to configure the programming of the programmable interface to receive the device data from the sensing device using the communication protocol utilized by the sensing device."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONTACT INFORMATION

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 703-305-3028 or toll

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free at 866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at ebc@uspto.gov. The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (571) 272-2600.

Facsimile submissions may be sent via fax number (703) 872-9306 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068.

EH
12/9/04


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
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